

**CALENDAR ITEM
C40**

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02/21/14
PRC 2869.1
K. Foster

ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM; APPROVAL OF A LEASE AMENDMENT FOR A GENERAL LEASE - INDUSTRIAL USE FOR THE DECOMMISSIONING OF A NON-OPERATIONAL MARINE TERMINAL WHARF AND APPURTENANT STRUCTURES; AND EITHER: AUTHORIZATION TO ACCEPT A QUITCLAIM DEED FOR AND THE TERMINATION OF THE LEASE; OR: AUTHORIZATION TO EXECUTE TERMINATION AND ABANDONMENT AGREEMENT AND THE ACCEPTANCE OF A QUITCLAIM DEED FOR THE LEASE

LESSEE:

Phillips 66 Company
P.O. Box 4428
Houston, TX 77210

LAND TYPE AND LOCATION:

Sovereign land in the Carquinez Strait, near the town of Port Costa, Contra Costa County.

AUTHORIZED USE:

Existing non-operational marine terminal wharf.

LEASE TERM:

20 years, beginning December 1, 1994.

CONSIDERATION:

\$3,770 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance: \$500,000.

Bond: \$50,000.

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PROPOSED LEASE AMENDMENT PROVISIONS:

1. The Lease term is extended one (1) additional year, to expire on November 30, 2015.
2. The Lease Premises are changed to coincide with the Port Costa Wharf Deconstruction Project (Project) area as described in Exhibit A and as shown on Exhibit B.
3. The Lessee is authorized to conduct the Project pursuant to the Mitigated Negative Declaration (SCH#2013112033) and the Mitigation Monitoring Program (MMP), as shown in Exhibit C.
4. The Lessee shall make a good faith effort to remove all improvements, including all piles, in their entirety. Any piles or other improvements that such good faith effort demonstrates cannot be reasonably or feasibly removed in their entirety at this time shall be cut off at a minimum depth of two (2) feet below the existing mud line of the Carquinez Strait, or cut off at the surface of the bank or channel bottom where removal to a greater depth can be shown to reasonably or feasibly result in potential bank destabilization.
5. Lessee shall conduct a Post-Project Site Clearance Geophysical Survey (Survey), to include sidescan sonar, magnetometer, and bathymetric surveys of the Lease Premises and shall provide the results of said Survey for Lessor staff review within thirty (30) days of initial Project completion. Lessor staff shall provide written notification to Lessee within thirty (30) days of receipt of said Survey whether said Survey demonstrates satisfactory clearance of the Lease Premises or if further evidence and/or additional site clearance is required.
6. Lessee shall prepare a Post-Project Site Drawing (Drawing) and shall submit said Drawing to Lessor within sixty (60) days of initial Project completion if not all improvements are successfully removed from the Lease Premises. Said Drawing will identify the location of each improvement to be abandoned relative to fixed points on the upland and will label each such improvement with its dimensions, composition, and approximate depth below the mud line, surface of the bank, or channel bottom to aid in future identification and removal as required.
7. Should Lessee demonstrate to Lessor staff's satisfaction the successful removal of all improvements from the Lease Premises, the proposed

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Lease Termination and Abandonment Agreement (Agreement), need not be executed and shall become void, and this Lease shall terminate upon the execution of a quitclaim deed by Lessee and the execution and written acceptance of said quitclaim by Lessor staff.

8. Should Lessee be unsuccessful in removing all the improvements from the Lease Premises upon Project completion and Lessor staff acknowledges satisfactory partial site clearance, this Lease shall terminate upon the execution of the Agreement.
9. Lessee shall apply for a new lease prior to the expiration of the current lease should lessee be unable to complete the project before the lease term ends.

PROPOSED LEASE TERMINATION AND ABANDONMENT AGREEMENT PROVISIONS:

1. The Lease will terminate upon the execution of the Lease Termination and Abandonment Agreement (Agreement) by the Phillips 66 Company, and the execution of the Agreement by Commission staff. Until the Agreement is executed by Commission staff, all terms and conditions of the Lease will remain in full force and effect.
2. Execution of the Agreement by Commission staff is contingent upon the submission by the Phillips 66 Company of satisfactory financial assurances.
3. Within 90 days following the execution of the Agreement and said Lease termination, the Phillips 66 Company shall submit an executed quitclaim deed, releasing and surrendering any and all right, claim, title or interest arising by virtue of or pursuant to the Lease.
4. In accordance with MMP Mitigation Measure HAZ-2, the Phillips 66 Company shall conduct post-construction bathymetric surveys immediately following Project completion, and subsequently every two (2) years for a six (6) year period, to confirm that all abandoned improvements remain buried to the appropriate depth, and shall provide the results of said surveys within thirty (30) days of completion to Commission staff for review. Following the last such survey, Commission staff shall determine the frequency with which future bathymetric surveys will be required.

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5. In consideration of the Phillips 66 Company being allowed to abandon certain improvements in place, the State shall not be liable and the Phillips 66 Company shall indemnify, hold harmless, and, at the option of the State, defend the State, its officers, agents, and employees against and for any and all liability, claims, damages or injuries of any kind or from any cause whatsoever arising out of or in any way from the Project and/or improvements abandoned in place, except for such liability, claims, damages, or injuries caused by the sole negligence and/or willful misconduct of the State.
6. The Phillips 66 Company shall respond in a reasonable and timely manner to any claims arising from abandonment of such improvements and shall give prompt notice to Commission staff of any accident, injury, casualty, or claim arising out of or connected in any way with the abandoned improvements.
7. Upon written notice from Commission staff, the Phillips 66 Company shall, at no cost to the State, remove all or any portion of any abandoned improvements if such improvements are determined by the Commission to be adverse to the public interest or the environment, or become a hazard to navigation; or if the Phillips 66 Company fails to comply with any terms and conditions of this Agreement and the Commission determines that modification or termination of this Agreement and such removal to be in the best interests of the State.
8. Insurance: In an amount not less than \$2,000,000 per occurrence or a Commission staff approved self-insurance program in an amount not less than \$2,000,000.
9. Bond: in the amount of \$5,000,000.
10. The Phillips 66 Company shall provide evidence of insurance and bond coverage to Commission staff within thirty (30) days of receipt from Commission staff of written notice acknowledging satisfactory site clearance to the extent reasonable or feasible at this time. At any time during the duration of this Agreement, the Commission may require an increase in the insurance or bond amounts to reflect economic inflation.

BACKGROUND INFORMATION:

The first marine terminal wharf on the site was constructed around 1908, and was later expanded, although expansion dates are unknown.

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The Commission originally issued Lease No. PRC 2869.1 in 1959, covering a facility significantly larger than the improvements still located within the site.

Operations ceased at the facility in 1968, and in 1970 the wharf was significantly damaged by fire, resulting in the loss of a majority of the structure and leaving the remainder in the configuration that exists currently.

OTHER PERTINENT INFORMATION:

1. Lessee owns and has the right to use the upland adjoining the lease premises.
2. On November 15, 1994, the Commission authorized a General Lease – Industrial Use to Tosco Refining Company for a non-operational marine terminal wharf, for a 20-year term beginning December 1, 1994.
3. On December 16, 2002, Tosco Refining Company changed its name to ConocoPhillips Company.
4. On December 5, 2012, the Commission authorized the assignment of the Lease from ConocoPhillips Company to Phillips 66 Company, and a change in the lease area to include a mooring dolphin associated with the wharf.
5. The Lessee has continued to maintain the remaining wharf improvements to allow it the option to repair the damaged wharf and make the wharf operational again should it choose to do so. The Lessee has determined that it no longer has a use for a wharf and has applied to remove the remaining improvements and terminate the lease.
6. When the existing Lease was authorized in 1994, the lease area was reduced to encompass only the remaining wharf structure, although there were other improvements associated with the wharf that were not included.
7. The proposed Lease area increase is intended to encompass the proposed Project area so that all improvements associated with the wharf are included, while the proposed one-year Lease term extension is to allow the Lessee sufficient time to complete the Project prior to Lease expiration.

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8. The Lessee will be attempting to remove all existing improvements in their entirety. However, whether complete removal can be accomplished will not be known until the Project commences, as the sub-surface condition of some of the piles cannot be readily determined due to poor site conditions, and the location of several piles relative to the shoreline may be shown to result in bank destabilization if complete removal is attempted. Should all the improvements be removed to Commission staff's satisfaction, the Lease will terminate upon execution and staff acceptance of a quitclaim deed. If not all improvements can be reasonably or feasibly removed at this time, the Lessee will enter into a Lease Termination and Abandonment Agreement to terminate the Lease and provide for abandonment in place of the remaining improvements, and any future removal if required. The Lessee will also submit a quitclaim deed to release any and all current or previous right, claim, title and interest under the Lease.

9. The Commission is the lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and conducted an Initial Study to determine if the Project may have a significant effect on the environment (State CEQA Guidelines, § 15063). Although the Initial Study identified several potentially significant impacts to Air Quality/Greenhouse Gas Emissions, Biological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Transportation/Traffic, mitigation measures were proposed and agreed to by the Applicant prior to public review that would avoid or mitigate the identified potentially significant impacts "to a point where clearly no significant effects would occur" (State CEQA Guidelines, § 15070, subd. (b)(1)). Consequently, the Initial Study concluded that "there is no substantial evidence, in light of the whole record before the agency, that the Project as revised may have a significant effect on the environment" (State CEQA Guidelines, § 15070, subd. (b)(2)), and a Mitigated Negative Declaration (MND) was prepared.

10. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15025), the staff prepared a MND identified as CSLC MND No. 769, State Clearinghouse No. 2013112033. The MND and Initial Study were circulated for a 30-day public review period from November 14, 2013, to December 18, 2013, and staff received one comment letter from the California Department of Fish and Wildlife (CDFW). CDFW noted that the proposed Project schedule is June 2014 through November 2014, and advised that the CDFW in-water work

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window for special-status fish is August 1 through November 30. CDFW stated that work conducted outside of that window may require an Incidental Take Permit if the Project will, or has the potential to, impact listed species.

Commission staff consulted directly with CDFW staff and reached an agreement that based on the Project Description, the CDFW in-water work window could be modified to July 1 through November 30. Commission staff revised the MND to note that in-water work would not be conducted until July 1 through November 30. Staff determined that these changes do not constitute a "substantial revision," as defined in State CEQA Guidelines section 15073.5, subdivision (b), and that recirculation of the MND prior to Commission consideration is not required pursuant to State CEQA Guidelines section 15073.5, subdivision (c).

11. Based upon the Initial Study, the MND, and the comments received in response thereto, there is no substantial evidence that the Project will have a significant effect on the environment; California Code of Regulations, Title 14, section 15074, subdivision (b). A Mitigation Monitoring Program has been prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6), and is contained in Exhibit C, attached hereto.
12. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the Project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

None

FURTHER APPROVALS REQUIRED:

San Francisco Bay Regional Water Quality Control Board
San Francisco Bay Conservation and Development Commission
California Department of Fish and Wildlife
U.S. Army Corps of Engineers

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EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Certify that the MND, CSLC MND No. 769, State Clearinghouse No. 2013112033, was prepared for this Project pursuant to the provisions of CEQA, that the Commission has reviewed and considered the information contained therein and in the comments received in response thereto and that the MND reflects the Commission's independent judgment and analysis.

Adopt the MND and determine that the Project, as approved, will not have a significant effect on the environment.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize an amendment to Lease No. PRC 2869.1, a General Lease – Industrial Use to the Phillips 66 Company to allow for the deconstruction of a non-operational marine terminal wharf and appurtenant structures, the extension of the Lease term one (1) additional year to November 30, 2015, and a change in the lease area as described in Exhibit A, attached and by this reference made a part hereof, and as shown on Exhibit B (for reference purposes only); all other terms and conditions of the Lease to remain in full force and effect.
2. Authorize staff acceptance of a quitclaim deed and termination of Lease No. PRC 2869.1 if all improvements associated with the non-operational marine terminal wharf are removed in their entirety during the deconstruction project.

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3. Authorize a Lease Termination and Abandonment Agreement, for the termination of Lease No. PRC 2869.1, and for the abandonment in place of any improvements that cannot be reasonably or feasibly removed during the non-operational marine terminal wharf deconstruction project; Insurance in an amount not less than \$2,000,000 per occurrence or a Commission staff approved self-insurance program in an amount not less than \$2,000,000; Bond in the amount of \$5,000,000; staff acceptance of a quitclaim deed for Lease No. PRC 2869.1.

EXHIBIT A

PRC 2869.1

LAND DESCRIPTION

A parcel of tide and submerged land in the bed of the Carquinez Strait, Contra Costa County, State of California, described as follows:

COMMENCING at the intersection of those certain two courses of the "Line of Low Tide" identified as South 28°30' East 2450 feet and South 15°33'30" East 410.35 feet as shown on Sheet 4 of that certain map entitled "Map of Re-Survey of Tideland Survey No. 32, Contra Costa County, Cal. Made under the Provisions of Chapter 490 Statutes of 1915 to correct errors in original survey.", and approved April 18, 1927 by W.S. Kingsbury, Surveyor General, State of California. Said map on file at the Sacramento Office of the California State Lands Commission; thence from said point of commencement, along said "Line of Low Tide", South 15°33'30" East 217.56 feet to the POINT OF BEGINNING; thence from said point of beginning, leaving said "Line of Low Tide" the following nine (9) courses:

1. South 66°06'11" West 61.62 feet;
2. North 10°57'56" West 188.16 feet;
3. North 31°16'08" West 802.53 feet;
4. North 19°06'21" West 463.52 feet;
5. North 86°00'53" East 325.00 feet;
6. South 20°43'27" East 393.81 feet;
7. South 31°10'10" East 737.67 feet;
8. South 10°57'56" East 210.92 feet;
9. South 66°06'11" West 246.18 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Carquinez Strait.

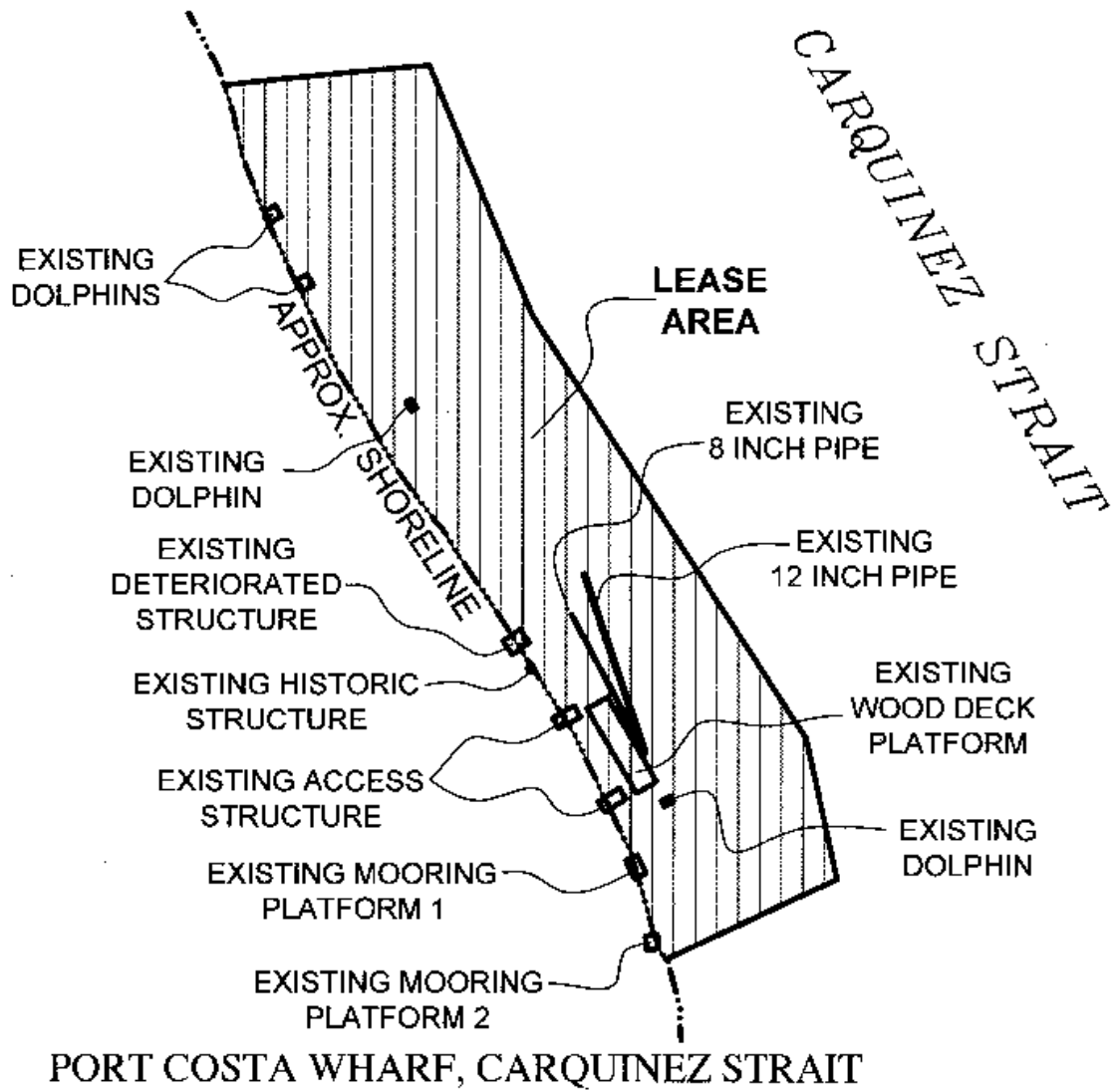
END OF DESCRIPTION

Prepared 01/30/2014 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



PORT COSTA WHARF, CARQUINEZ STRAIT

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 2869.1
PHILLIPS 66 COMPANY
GENERAL LEASE -
INDUSTRIAL USE
CONTRA COSTA COUNTY



EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM

Port Costa Wharf Deconstruction Project
(State Clearinghouse No. 2013112033)

The California State Lands Commission (CSLC) is the lead agency under the California Environmental Quality Act (CEQA) for the **Port Costa Wharf Deconstruction Project (Project)**. In conjunction with approval of this Project, the CSLC adopts this Mitigation Monitoring Program (MMP) for implementation of mitigation measures (MMs) for the Project to comply with Public Resources Code section 21081.6, subdivision (a) and State CEQA Guidelines sections 15091, subdivision (d) and 15097.

The Project authorizes Phillips 66 Company (Phillips 66 or Applicant) to remove an existing non-operational marine oil terminal (MOT) wharf in accordance with the terms and conditions of its existing CSLC Lease No. PRC 2869.1.

PURPOSE

It is important that significant impacts from the Project are mitigated to the maximum extent feasible. The purpose of a MMP is to ensure compliance and implementation of MMs; this MMP shall be used as a working guide for implementation, monitoring, and reporting for the Project's MMs.

ENFORCEMENT AND COMPLIANCE

The CSLC is responsible for enforcing this MMP. The Project Applicant is responsible for the successful implementation of and compliance with the MMs identified in this MMP. This includes all field personnel and contractors working for the Applicant.

MONITORING

The CSLC staff may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as necessary. Some monitoring responsibilities may be assumed by other agencies, such as affected jurisdictions, cities, and/or the California Department of Fish and Wildlife (CDFW). The CSLC and/or its designee shall ensure that qualified environmental monitors are assigned to the Project.

Environmental Monitors. To ensure implementation and success of the MMs, an environmental monitor must be on site during all Project activities that have the potential to create significant environmental impacts or impacts for which mitigation is required. Along with the CSLC staff, the environmental monitor(s) are responsible for:

- ensuring that the Applicant has obtained all applicable agency reviews and approvals;

- coordinating with the Applicant to integrate the mitigation monitoring procedures during Project implementation (for this Project, many of the monitoring procedures shall be conducted during the deconstruction phase); and
- ensuring that the MMP is followed.

The environmental monitor shall immediately report any deviation from the procedures identified in this MMP to the CSLC staff or its designee. The CSLC staff or its designee shall approve any deviation and its correction.

Workforce Personnel. Implementation of the MMP requires the full cooperation of Project personnel and supervisors. Many of the MMs require action from site supervisors and their crews. The following actions shall be taken to ensure successful implementation.

- Relevant mitigation procedures shall be written into contracts between the Applicant and any contractors.
- For this Project, a Worker Environmental Awareness Program (WEAP) (under MM BIO-1b) shall be implemented and all personnel would be required to participate. Trainings would include the importance of the various environmental resources and MMs to prevent or minimize potential impacts to them.

General Reporting Procedures. A monitoring record form shall be submitted to the Applicant, and once the Project is complete, a compilation of all the logs shall be submitted to the CSLC staff. The CSLC staff or its designated environmental monitor shall develop a checklist to track all procedures required for each MM and shall ensure that the timing specified for the procedures is followed. The environmental monitor shall note any issues that may occur and take appropriate action to resolve them.

Public Access to Records. Records and reports are open to the public and would be provided upon request.

MITIGATION MONITORING TABLE

The following Table presents the mitigation monitoring requirements for each applicable environmental issue area.

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
Air Quality						
Temporary Deconstruction Emissions of Criteria Pollutants.	<p>MM AIR-1a. Basic Construction Measures. The Applicant shall comply with the following measures per the Bay Area Air Quality Management District's (BAAQMD's) California Environmental Quality Act Guidelines:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure [Cal. Code Regs., tit. 13, § 2485]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • The Applicant shall post a publicly visible sign with the telephone number and person to 	Wharf and contractor base	Observe activities for compliance	Prior to and during deconstruction	Phillips 66	Exhaust and dust emissions are minimized

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.					
Temporary Deconstruction Emissions of Criteria Pollutants.	MM AIR-1b: Vessels and Equipment. Project vessels and equipment that rely on internal combustion engines for power and/or propulsion shall be kept in good working condition and compliant with California emission regulations. Maintenance logs shall be provided to the California State Lands Commission staff prior to deconstruction and on a monthly basis during deconstruction.	Wharf, upland staging area, and contractor base	Verification (maintenance logs) provided to CSLC	Prior to and during deconstruction	Phillips 66	Exhaust emissions minimized
	MM AIR-1c: Nearby Sensitive Receptors. Residences in the Project vicinity shall be notified of the Project schedule and duration a minimum of 2 weeks prior to deconstruction activities. In addition, if work is planned during the school year, schools in the vicinity shall also be notified of the Project schedule and duration.	Wharf, upland staging area, and contractor base	Verify coordination with local population	Prior to deconstruction	Phillips 66	Provides advance notice of potential air emissions
Biological Resources						
Physical displacement of fish species and disturbance of Essential Fish Habitat due to deconstruction activities.	MM BIO-1a: Disturbance Minimization. The Applicant shall adhere to the following conditions to minimize disturbance to sensitive species: <ul style="list-style-type: none"> The Project disturbance area shall be limited to the minimum required to complete the Project. Vessel traffic and movements shall be minimized to reduce potential physical displacement or injury of fish. In-water work shall be conducted in compliance with the California Department of Fish and Wildlife and National Marine 	Wharf	Observe activities for compliance	During deconstruction	Phillips 66	Reduce potential physical displacement of fish

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	Fisheries Service work windows for fish species that occur in the Carquinez Strait and Suisun Bay to limit the deconstruction activity to times when there is no spawning and a reduced number of fish in the area.					
	MM BIO-1b: Worker Environmental Awareness Program (WEAP). Training for all personnel involved in deconstruction activities shall be mandated. Training materials shall be submitted to the California State Lands Commission staff for approval 2 weeks prior to deconstruction. Training shall include the importance of the marine environment to special-status species and the environmental protection measures that are being implemented to avoid and/or minimize negative impacts to Essential Fish Habitat and the species that depend on them. The WEAP shall also cover other important biological resources with potential to occur in and around the Project area, including Alameda whipsnake, nesting birds, and wetlands.	Wharf, upland staging area, and contractor base	Submit training materials to CSLC for approval and submit attendance records to CSLC	Prior to deconstruction	Phillips 66	Ensure that personnel are aware of special-status fish, birds, and marine mammals and protection measures
Review and approve training materials			Prior to deconstruction	CSLC		
Potential impacts of toxic materials to fish species.	MM BIO-2: Lead-Based Paint (LBP) Management Plan. Since LBP is present on the wharf, Phillips 66 shall retain a licensed lead abatement contractor to address LBP prior to the general deconstruction of the wharf. A LBP Management Plan including health and safety procedures shall be prepared and submitted to the California State Lands Commission staff for approval 2 weeks prior to deconstruction and included as part of the Project’s Work Plan.	Wharf	Prepare LBP Management Plan and submit to CSLC for approval. Observe activities for compliance	Prior to and during deconstruction	Phillips 66	Reduce lead contamination and exposure
			Review and approve LBP Management Plan	Prior to deconstruction	CSLC	
Also implement MM WQ-1: Water Quality/Storm Water Pollution Prevention Plan. See below. Also implement MM HAZ-1b. Hazardous Materials Management Plan (HMMP). See below.						

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
Potential impacts of debris on nearby habitat.	<p>MM BIO-3: Deconstruction and Seafloor Debris Removal Plan. The Applicant shall prepare a Deconstruction and Seafloor Debris Removal Plan for approval by the California State Lands Commission staff 60 days prior to deconstruction to address the following:</p> <ul style="list-style-type: none"> Removal methods, equipment, and timing for all Project components. Procedures for monitoring and recording, by the on-site contractor’s supervisor and mitigation monitor of any deconstruction debris or equipment that has dropped into Bay waters. The record shall include the dropped object’s description and location for recovery. Procedures for conducting a post-deconstruction bathymetric survey once deconstruction is complete to verify that the wharf has been completely removed and to identify any debris items that are associated with the deconstruction process. Removal of sea floor debris inclusive of any equipment, tools, pilings, or other materials or debris accidentally dropped into the Bay during deconstruction activities. Large pieces of structures to be removed would have tag lines attached to facilitate recovery from the Bay in the event of an accident. Characterization of the content of the two steel pipe sections and alternative recovery approaches based on sampling results. The approach(s) shall be carefully designed to mitigate the potential of releasing any hazardous materials (if found inside the pipes) into the Bay. 	Project Area	Prepare Deconstruction Plan and submit to CSLC for approval. Observe activities for compliance	Prior to and during deconstruction	Phillips 66	Reduce disturbances of local population and biota
			Review and approve Deconstruction Plan	Prior to deconstruction	CSLC	

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
Potential impacts of deconstruction activities on special-status birds.	<p>MM BIO-4a: Bird Nesting Prevention. In consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service, no less than 1 month prior to nesting season, the Applicant shall implement deterrence measures to prevent nesting birds from using any of the wharf structure slated for removal. Measures shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • Old nests or nests under construction shall be washed down with water or knocked down using a pole. • To minimize the likelihood of nesting birds using the mooring dolphins or decks to support nests, these structures shall be prioritized for removal. • Netting with mesh size 0.5 to 0.75 inch shall be installed to provide a physical barrier between the birds and the nest site. 	Wharf, upland staging area, and contractor shore base	Implement measures and observe activities for compliance	Prior to deconstruction	Phillips 66 in consultation with CDFW and USFWS	Reduce impacts on nesting birds
	<p>MM BIO-4b: Pre-deconstruction Nesting Bird Survey and Monitoring. No more than 14 days prior to the start of deconstruction activities, a qualified biologist shall conduct a nesting bird survey in the Project area to ensure that no nesting has taken place. The qualified biologist shall also monitor the site during deconstruction activity for any nesting activity in the Project vicinity.</p>	Wharf, upland staging area, and contractor base	Conduct survey and observe activities for compliance	Prior to deconstruction	Phillips 66 in consultation with CDFW and USFWS	Reduce impacts on nesting birds
	<p>MM BIO-4c: Work Zones around Active Nests. In the event that an active nest is found in the Project vicinity, appropriate no-work buffers shall be established in consultation with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service to prevent disturbance or destruction of the nest.</p>	Wharf, upland staging area, and contractor base	Establish buffers and observe activities for compliance	During deconstruction	Phillips 66 in consultation with CDFW and USFWS	Reduce impacts on nesting birds
	Also implement MM BIO-1b: Worker Environmental Awareness Program. See above.					

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
Potential impacts to Alameda whipsnake.	MM BIO-5: Avoidance and Reduced Speed Limits. To reduce the potential for Alameda whipsnake take to a less-than-significant level, only the roadway along the northern edge of the former TXI/Pacific Custom Materials, Inc. (TXI) property shall be used for ingress/egress so that Project vehicles are routed away from the potential habitat to the south and potential wetland areas in the eastern portion of the property. In addition, a speed limit of 10 miles per hour shall be implemented within the TXI property.	Wharf, upland staging area, and contractor base	Implement speed limits and serve activities for compliance	During deconstruction	Phillips 66	Reduce impacts to Alameda whipsnake
Also implement MM BIO-1b: Worker Environmental Awareness Program. See above.						
Potential impacts to a small wetland/riparian area located 100 feet southeast of the eastern proposed upland staging area.	MM BIO-5 Avoidance and Reduced Speed Limits. See above.	Wharf, upland staging area, and contractor base	Implement speed limits and observe activities for compliance	During deconstruction	Phillips 66	Reduce impacts to the wetland/riparian area in the former TXI property
Also implement MM WQ-1. Water Quality Plan/Storm Water Pollution Prevention Plan. See below. Also implement MM BIO-1b: Worker Environmental Awareness Program. See above.						
Potential impacts of deconstruction to migratory fish.	Implement MM BIO-1a: Disturbance Minimization. See above. Implement MM WQ-1. Water Quality Plan/Storm Water Pollution Prevention Plan. See below.					
Potential impacts due to aquatic invasive species.	MM BIO-6: Best Management Practices (BMPs) for Aquatic Invasive Species. To reduce the potential for introducing aquatic invasive species to a less-than-significant level, BMPs for ballast water management and biofouling removal shall be implemented to avoid the spread of invasive species. Vessels over 300 gross tons in size are currently regulated under the State's Marine Invasive Species Program, and Project vessels of this size will comply with the State's requirements for ballast water management and biofouling removal. The	Offshore Project area	Implement measures and observe activities for compliance	During deconstruction	Phillips 66	

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	deconstruction contractor shall also be required to inspect and remove biofouling from Project vessels less than 300 gross tons prior to travelling to the Project area.					
Hazards and Hazardous Materials						
Routine transport, use, and disposal of hazardous materials could create a significant hazard.	MM HAZ-1a. Barge and Shore Base Hazardous Materials Inventory. The Applicant shall keep a hazardous materials inventory for all hazardous materials to be stored, used, or transported for the Project in, on, or around the wharf, work barges, and the shore base. A current inventory shall be kept on site at all times and shall include the name of the material, the type, capacity, number and location of storage containers, type of hazard (pressure release, fire, explosion, asphyxiation, toxicity, bioaccumulation, etc.), and the maximum storage capacity at each location.	Wharf and contractor base	Prepare inventory and observe activities for compliance	Prior to and during deconstruction	Phillips 66	Reduce hazards risk for personnel and the environment
	MM HAZ-1b. Hazardous Materials Management Plan (HMMP). An HMMP shall be prepared and submitted for approval to the California State Lands Commission staff 2 weeks prior to the start of deconstruction activities and kept on site. The HMMP shall include specific methods for control and containment of hazardous materials identified in the hazardous material inventories from deconstruction through disposal. Emergency contacts shall be listed for use in the event of a release of hazardous materials. The HMMP shall include, but is not limited to, the following: <ul style="list-style-type: none"> • A hazardous materials inventory that identifies the type, location, estimated quantity and nature of each potentially hazardous material located at the wharf. • Equipment containing other hazardous 	Wharf and contractor base	Prepare HMMP and submit to CSLC for approval. Observe activities for compliance	Prior to and during deconstruction	Phillips 66	Reduce hazards risk for personnel and the environment
			Review and approve HMMP	Prior to deconstruction	CSLC	Reduce release of toxic materials into the water

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	<p>materials, such as switches and gauges that contain mercury, shall be tagged prior to removal for special handling to prevent an inadvertent discharge on the deck surfaces or into Bay waters.</p> <ul style="list-style-type: none"> • If hazardous materials are identified, a specialty abatement contractor shall be acquired to mitigate these issues in compliance with State and Federal regulations prior to the general deconstruction of the wharf. • Any hazardous materials brought to the Project site, e.g., diesel oil or paints, shall also be included in the HMMP. 					
<p>Release of hazardous materials by the Project could create a significant hazard.</p>	<p>MM HAZ-2: Post Construction Surveys. If piles are not completely extracted, post-deconstruction bathymetric survey shall be conducted immediately following deconstruction and every 2 years, for 6 years after the completion of deconstruction activities, to document that scour is not occurring within the Project footprint and that piles embedded in the Carquinez Strait bottom have not become exposed by erosion. Survey reports shall be submitted to the California State Lands Commission staff within 30 days of completion to document compliance.</p>		<p>Conduct surveys and observe activities for compliance</p>	<p>Post deconstruction</p>	<p>Phillips 66 and CSLC</p>	<p>Reduce hazards risk for public and the environment</p>
	<p>Also implement MM HAZ-1a: Barge and Shore Base Hazardous Materials Inventory. See above. Also implement MM HAZ-1b: Hazardous Materials Management Plan (HMMP). See above. Also implement MM WQ-1: Water Quality Plan/Storm Water Pollution Prevention Plan. See below. Also implement MM BIO-2: LBP Management Plan. See Biological Resources above. Also implement MM BIO-3: Deconstruction and Seafloor Debris Removal Plan. See Biological Resources above.</p>					

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
Hydrology and Water Quality						
<p>WQ-1: The Project could result in a violation of water quality standards.</p>	<p>MM WQ-1: Water Quality/Storm Water Pollution Prevention Plan. In consultation with the regional agencies, the Applicant shall prepare a plan to prevent adverse impacts to nearby waterways and riparian areas associated with deconstruction. The final approved plan shall be submitted to the California State Lands Commission staff 2 weeks prior to deconstruction. The Plan shall include Best Management Practices (BMPs) for handling creosote-containing materials, spill prevention and containment, erosion and sedimentation prevention, and monitoring requirements. Measures shall include, but not be limited to, such BMPs as:</p> <ul style="list-style-type: none"> • During deconstruction activities, a floating boom and skirt shall be deployed around the Project site and absorbent booms and pads shall be provided on marine vessels on site. • Within upland areas, BMPs may include implementation of silt fences, straw wattles and other measures determined appropriate for erosion and sediment control. • BMPs to control waste, such as discarded deconstruction materials, chemicals, litter, and sanitary waste at the deconstruction site, shall be implemented. • Vessel fueling shall be required at the selected contractor's staging area or at an approved docking facility. No cross-vessel fueling shall be allowed. • Marine vessels generally shall contain petroleum products within tankage that is internal to the hulls of the vessels. All deck equipment shall be equipped with drip pans 	<p>Wharf, upland staging facilities, and contractor base</p>	<p>Prepare plan and submit to RWQCB. Observe activities for compliance</p>	<p>Prior to and during deconstruction</p>	<p>Phillips 66 in coordination with the RWQCB</p>	<p>No spills reaching uncontained areas</p>

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	<p>to contain leaks and spills. All fuels and lubricants aboard the work vessels shall have a double containment system. Chemicals used within the Project area and on marine vessels shall be stored using secondary containment.</p> <ul style="list-style-type: none"> The Applicant shall not store fuel or oil at the Project's parking and staging areas upland of the work site. Fuel containment at the selected contractor's existing shore base may store quantities of oil and fuel. 					
Also implement MM HAZ-1b: Hazardous Materials Management Plan (HMMP) . See above.						
Transportation/Traffic						
TT-1: Increased traffic and congestion on the existing street system due to deconstruction activities.	<p>MM TT-1: Traffic Management Plan. The Applicant shall prepare and implement a Traffic Management Plan approved by California Department of Transportation and Contra Costa County. Truck activities shall be limited to off-peak weekday hours (9:00 a.m. to 3:00 p.m.). If authorized, truck operations could be extended to include weekday hours of 7:30 p.m. to 5:30 a.m. Appropriate haul routes shall be determined minimize traffic load and congestion. Ridesharing shall be encouraged and appropriate signage and safety requirements shall be implemented at the shore base.</p>	Contractor base	Prepare plan and submit to Caltrans and County for approval. Observe activities for compliance	Prior to and during deconstruction	Phillips 66 in consultation with Caltrans and Contra Costa County	Minimize traffic impacts on local circulation